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**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600**

Paper No. 7

In re application of
Eiland Glover, et al.

Application No. 09/938,950

Filed: August 23, 2001

For: CUSTOMER AWARD AND INCENTIVE
SYSTEM

: **DECISION ON REQUEST**
: **FOR WITHDRAWAL OF**
: **ATTORNEY**

This is a decision on the request filed on March 19, 2003, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED**.


Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

- A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;
- B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and
- C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

The request to withdraw as attorney in the above-identified application is not approved because the request does not comply with Item A).

As to Item A, it is not clear whether the attorney signing the request is signing to withdrawal on behalf of himself or all the attorneys of record.

All the attorneys given power in the original Declaration/Power of Attorney are not indicated as being withdrawn in the Request for Withdrawal of Attorney. The Patent Office does not recognize law firms as entities since their complement changes over time. Further, since power of attorney was not given by customer number in the original declaration it is recommended that applicants' representative renew the request and withdraw on behalf of himself and all the attorneys of record.



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RAR/cps 4/9/04